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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAURIANO CERVANTES MENDOZA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-73303

Agency No. A90-789-443

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 22, 2008^{**}

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Lauriano Cervantes Mendoza, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (“BIA”) dismissing his appeal from an immigration judge’s removal order. Our jurisdiction is governed

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

by 8 U.S.C. § 1252, *Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006), and we review questions of law de novo, *id.* We dismiss the petition for review in part and deny it in part.

We lack jurisdiction to review Cervantes Mendoza's due process contention, as it was not exhausted before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (exhaustion is mandatory and jurisdictional).

The BIA correctly concluded that Cervantes Mendoza's conviction was final for immigration purposes. *See Grageda v. INS*, 12 F.3d 919, 921 (9th Cir. 1993) (“[B]ecause Grageda had exhausted his direct appeals and because the coram nobis petitions were collateral attacks, his conviction was final [for immigration purposes].”).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.